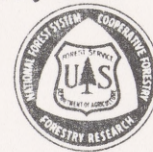


UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Sequoia National Forest
900 W. Grand Avenue
Porterville, CA 93257

2720

February 13, 1975



J
Jean Koch
6334 W. 80th St.
Los Angeles, California 90045

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Dear Miss Koch:

We are in receipt of your correspondence regarding the termination of the L. C. Barboni Special Use Permit in Mineral King. We received over 50 letters and telegrams on this matter. Several points were raised that we believe need clarification. These concern the background and current status of the decision and requests for a hearing on the matter.

In the early 1900's, a frame cabin was built on what is now Residence Lot #5, East Mineral King Tract of the Sequoia National Forest. This cabin was under permit to Jeanette Howard. In 1933, Miss Howard conveyed this cabin to her nephews, F. C. and L. C. Barboni. After her death in 1956, a new permit was issued to the Barboni brothers. Dated February 27, 1957, the permit to F. C. and L. C. Barboni included a clause (Clause 38) that stated, "Since the area occupied by this cabin will in all probability be needed for general public use, such as camping, in the not too distant future, this permit:

1. Can be revoked as of January 1, 1975.
2. If cabin is over 50% destroyed, cabin will not be rebuilt.
3. This permit will in no case be transferred from either or both of the present permittees".

The permit was amended in July 1957 to allow the transfer "of complete ownership from one of the brothers to the other".

In September 1965, all permittees in Mineral King Valley were informed of the proposed development of Mineral King and the impact it might have on their permits.

After the death of F. C. Barboni, the permit was amended in October 1965 to indicate only L. C. Barboni as the permittee. Letters to L. C. Barboni in January 1967, June 1968, and July 1972 emphasized the probability of permit termination for higher public use of public lands.

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In 1970, parking was restricted to designated parking areas and camping to posted campgrounds in Mineral King Valley. These restrictions were for resource protection. Indiscriminate parking and camping was causing soil and vegetation damage along the main road and in the Upper Valley.

In 1974, Walt Disney Productions indicated to this Forest they were receiving complaints about uncontrolled use on their private land at the end of the paved Mineral King Road. Because of the adverse impacts of this unauthorized use, Walt Disney Productions indicated they would restrict the parking on their land. The restriction will reduce public use of the area by 30-40 vehicles. In order to maintain the current level of use, the Forest Service must develop parking areas for 30-40 cars.

The Barboni cabin site is adjacent to an existing parking lot. The Barboni cabin site and adjacent land to the west can be developed for parking at a minimal cost and with very little environmental disturbance. It is anticipated that parking for 30-40 cars can be provided at this site. The site is a logical choice for these reasons. No other site is as suitable. The permit recognizes the probable need for the site for general public use and the permittee has been notified of this several times since 1957.

On November 14, 1974, permittee L. C. Barboni and Mrs. Dorothy Barboni, wife of the late F. C. Barboni and primary user of the cabin, were notified by phone that the Forest Service was considering termination of the permit.

On December 27, 1974, Forest Supervisor John A. Leasure sent a letter to Mr. L. C. Barboni indicating that his special use permit was being terminated effective December 31, 1975, to allow general public use of the area for parking. Complete removal of the structure is required by June 15, 1976. Mr. Barboni was informed that the decision was appealable and was given a copy of the appeal regulations.

Mrs. Dorothy Barboni, acting in behalf of Mr. L. C. Barboni, requested a meeting with Forest Supervisor Leasure to discuss the special use permit. This meeting was held in the Sequoia National Forest Supervisor's Office in Porterville on January 28, 1975. The meeting was not a public hearing, although about 20 people attended. No official record or transcript was made of the discussion.

After the meeting, the permittee submitted an appeal requesting an administrative review of the decision to revoke the special use permit.

The permittee is now in the process of developing the supporting statement for the appeal. Upon receipt of the supporting statement from the

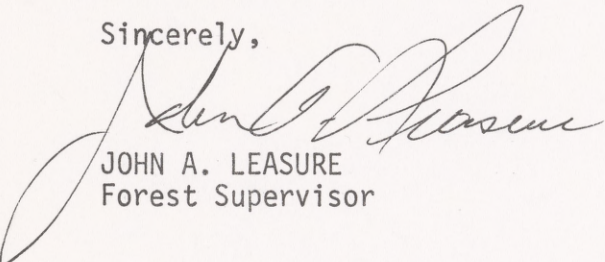
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permittee, the Forest Service will prepare a statement of facts and considerations upon which the decision was based. This will be sent to the permittee for comment. After comments by the permittee, the entire record will be sent to the Regional Forester for review. The decision of the Regional Forester may be appealed to the Chief of the Forest Service. The decision of the Chief is final.

As indicated, the meeting held January 28 at Mrs. Barboni's request was not a public hearing. It was a meeting between the permittee and the Forest Service to discuss the special use permit. No public hearing or meeting is planned.

We hope this information provides you with a better understanding of this matter.

Sincerely,



JOHN A. LEASURE
Forest Supervisor